

LEGISLATURE OF NEBRASKA
NINETY-SIXTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 250

Introduced by Wehrbein, 2

Read first time January 11, 1999

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to city government; to amend sections 19-405,
2 19-409, and 32-539, Reissue Revised Statutes of Nebraska;
3 to change provisions relating to the nomination and
4 election of council members in cities adopting the
5 commission plan of city government; to harmonize
6 provisions; and to repeal the original sections.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 19-405, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 19-405. (1) Any person desiring to become a candidate
4 for the office of council member provided for in section 19-404
5 shall file a candidate filing form as provided in sections 32-606
6 and 32-607 and pay the filing fee as provided in section 32-608.

7 (2) Candidates for the office of council member provided
8 for in section 19-404 shall be nominated at large either at a the
9 statewide primary election or, if no primary is held, by filing a
10 candidate filing form pursuant to this section. No other names
11 shall be placed upon the official ballot to be used at the general
12 city if there are not more than two candidates who have filed for
13 each position or if the council waives the requirement for a
14 primary election.

15 (3) The council, by ordinance, may waive the requirement
16 for a primary election in any year. Any person desiring to become
17 a candidate for council member shall file with the city clerk a
18 candidate filing form as provided in sections 32-606 and 32-607 and
19 pay the filing fee as provided in section 32-608 by adopting an
20 ordinance prior to January 5 of the year in which the primary
21 election would have been held. If the council waives the
22 requirement for a primary election, all candidates filing candidate
23 filing forms by August 1 prior to the date of the general election
24 as provided in subsection (2) of section 32-606 shall be declared
25 nominated. If the council does not waive the requirement for a
26 primary election and if there are not more than two candidates
27 filed for each position to be filled, all candidates filing
28 candidate filing forms by the deadline prescribed in subsection (1)

1 of section 32-606 shall be declared nominated as provided in
2 subsection (1) of section 32-811 and their names shall not appear
3 on the primary election ballot.

4 Sec. 2. Section 19-409, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 19-409. (1) The two candidates receiving the highest
7 number of votes at the primary election or, if no primary is held
8 shall be placed upon the official ballot for such position at the
9 statewide general election. If no candidates appeared on the
10 primary election ballot or if the council waived the primary
11 election under section 19-405, all persons filing pursuant to
12 section 19-405 shall be the only candidates whose names shall be
13 placed upon the official ballot for such position at the statewide
14 general city election.

15 (2) If excise members are to be elected, the six
16 candidates receiving the highest number of votes for excise members
17 at the primary election or all candidates, if there are less than
18 six on the primary election ballot or if no primary election is
19 held, shall be the only candidates whose names shall be placed upon
20 the official ballot for excise members at the statewide general
21 city election in any such city.

22 (3) Terms for council members shall begin on the date of
23 the first regular meeting of the council in December following the
24 statewide general election. The terms of council members holding
25 office on the effective date of this act shall be extended to the
26 first regular meeting of the council in December following the
27 statewide general election. The changes made to this section by
28 this legislative bill shall not change the staggering of the terms

1 of council members in cities that have adopted the commission plan
2 of government prior to January 1, 1999.

3 Sec. 3. Section 32-539, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 32-539. (1) In a city which adopts the commission plan
6 of government pursuant to sections 19-401 to 19-433, the number of
7 city council members shall be determined by the class and
8 population of the city. In cities having two thousand or more but
9 not more than forty thousand inhabitants, there shall be five
10 members, in cities of the primary class, there shall be five
11 members, and in cities of the metropolitan class, there shall be
12 seven members. Council members shall be elected from the city at
13 large. In cities of the primary class, three excise members shall
14 be elected in addition to the five council members. Nomination and
15 election of all council members shall be by nonpartisan ballot.
16 The mayor shall be elected for a four-year term.

17 (2) In cities containing two thousand or more but not
18 more than forty thousand inhabitants, at the city council election
19 in 1980, the council member elected as the commissioner of the
20 department of public works and the council member elected as the
21 commissioner of the department of parks and recreation shall each
22 serve a term of four years. If a city elects to adopt the
23 commission plan of government after 1980, the council member
24 elected as the commissioner of the department of public works and
25 the council member elected as the commissioner of the department of
26 public accounts and finances shall each serve a term of four years
27 and the council member elected as the commissioner of the
28 department of streets, public improvements, and public property and

1 the council member elected as the commissioner of the department of
2 parks and recreation shall each serve a term of two years. Upon
3 the expiration of such terms, all council members shall serve terms
4 of four years and until their successors are elected and qualified.

5 (3) Commencing with the statewide primary election in
6 2000, and every two years thereafter, candidates shall be nominated
7 at the statewide primary election and elected at the statewide
8 general election except as otherwise provided in section 19-405.

9 Sec. 4. Original sections 19-405, 19-409, and 32-539,
10 Reissue Revised Statutes of Nebraska, are repealed.